United Nations S/2015/243

Security Council

Distr.: General
9 April 2015

Original: English

Letter dated 9 April 2015 from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General

I have the honour to forward to you a concept paper for the open debate of the Security Council on sexual violence in conflict, which will be held on 15 April 2015, under the Jordanian presidency of the Council (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Dina **Kawar**
Ambassador
Permanent Representative

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Annex to the letter dated 9 April 2015 from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General

Concept paper for the open debate of the Security Council on sexual violence in conflict

Throughout history, sexual violence has been widespread in armed conflict and continues to have devastating consequences for women, men, boys and girls and their families and communities. The year 2014 witnessed a spectacular rise in violent extremism throughout the globe, including in areas such as Iraq, the Syrian Arab Republic, Somalia, Nigeria, Mali, Libya and Yemen. In his 2015 report on conflict-related sexual violence (S/2015/203), the Secretary-General brings to light new dimensions of the issue, such as the use of sexual violence as a tactic of terror by extremist groups in a number of settings, in particular Iraq, the Syrian Arab Republic, Somalia and Nigeria. He articulates how sexual violence is integrally linked with the objectives, ideology and funding of extremist groups, noting that women's empowerment and sexual violence prevention should therefore be central to the international response.

The following five key themes run throughout the report and should form the substantive basis for the open debate:

(a) Sexual violence perpetrated by non-State actors accounts for the vast majority of incidents, although violations perpetrated by State actors, or armed groups associated with the State, also remain of grave concern. Accountability of all perpetrators is crucial as a key aspect of deterrence and prevention, and investigations and prosecutions must be centred on survivors and conducted in accordance with international standards;

(b) The issue of comprehensive services for survivors remains a weak link, especially in terms of the resources that the international community is dedicating. At the same time, it is important to think more broadly about including the issue of resources and livelihood support for survivors. Poverty reduction and development strategies therefore must have a window for survivors of sexual violence, who are among the most impoverished and economically marginalized;

(c) Over the past years, the issue of conflict-related sexual violence has been cemented as a peace and security issue relevant to the Security Council. Going forward, the Council must consider how to bring the full weight of the security sector behind the agenda. This will require articulating more precisely the role that security sector actors can play in the prevention of conflict-related sexual violence and securing their buy-in;

(d) At the global level, a strong legal framework and tools exist, but the main challenge will be to drive the agenda to the ground by engaging national authorities for their leadership and ownership and to encourage them to take specific measures. As they commit, expertise and resources will be required from the United Nations to support countries to implement their commitments;

(e) Even when Governments are engaged, it is important to recognize that the bulk of the violations are committed by non-State actors. Among the major

considerations are, therefore, the political and operational challenges relating to engagement with non-State actors for specific commitments and measures.

Focus of the open debate

Building on the report of the Secretary-General, the open debate will be held at 10 a.m. on 15 April in the Security Council Chamber and be public and open to all Member States. It will be chaired by Jordan. The participants will examine the emergence of violent extremist groups as perpetrators of sexual violence in conflict, the targeting of ethnic and religious minorities, among other minority groups, the vulnerability of women and girls during daily livelihood tasks such as farming and gathering water and firewood, the threat or use of sexual violence as a form of ill-treatment in detention settings, often against men and boys, the vulnerability of displaced persons and refugees and, in particular, the use of sexual violence to induce displacement, notably in the context of illicit exploitation of natural resources, and the severe lack of medical and other services, as well as reparations and livelihood support for survivors.

We encourage interventions that focus on the following dimensions:

(a) Sexual violence as a tactic of terror to serve key strategic imperatives of extremist groups;

(b) Promoting the participation of women in peace processes and ensuring that sexual violence is reflected explicitly in peace agreements and ceasefires;

(c) How the international community can best support national Governments to combat impunity and drive accountability, as an important aspect of deterrence and prevention;

(d) How the international community can best support strengthening the commitment and engagement of the security sector for prevention, specifically at the national level;

(e) Increased medical, psychosocial, legal and economic support and services for survivors of conflict-related sexual violence;

(f) Increased number of women peacekeepers;

(g) Accelerated deployment of women protection advisers and gender advisers in priority settings to ensure that Security Council resolutions are implemented on the ground;

(h) Implementation of early warning systems to identify escalating sexual violence in conflict;

(i) Fostering national ownership, including mobile courts and mixed tribunals or broader truth and reconciliation commissions, to provide justice to survivors of sexual violence and therefore contribute to peace and security;

(j) How best to support the efforts of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict in this respect;

(k) How best to support the Team of Experts on the Rule of Law and Sexual Violence in Conflict, established pursuant to Security Council resolution 1888 (2009), which reports to the Special Representative of the Secretary-General.

Historical overview of the recognition of sexual violence as an international crime

For centuries, sexual violence in conflict was tacitly accepted as an unavoidable part of war. It was noted in a report on sexual violence and armed conflict in 1998 that, historically, armies considered rape one of the legitimate spoils of war. During the Second World War, all sides of the conflict were accused of mass rapes, yet neither of the two courts set up by the victorious allied countries to prosecute suspected war crimes — in Tokyo and Nuremberg — recognized the crime of sexual violence.

It was not until 1992, in the face of widespread rapes of women in the former Yugoslavia, that the issue came to the attention of the Security Council. For the first time ever, the statute of the International Tribunal for the Former Yugoslavia included rape as a crime against humanity, alongside other crimes such as torture and extermination, when committed in armed conflict and directed against a civilian population. In 2001, the Tribunal became the first international court to find an accused person guilty of rape as a crime against humanity. Furthermore, it expanded the definition of slavery as a crime against humanity to include sexual slavery. Previously, forced labour was the only type of slavery to be viewed as a crime against humanity.

The International Criminal Tribunal for Rwanda also declared rape to be a war crime and a crime against humanity. In 1998, the Tribunal became the first international court to find an accused person guilty of rape as a crime of genocide.

The Rome Statute of the International Criminal Court, in force since July 2002, includes rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or "any other form of sexual violence of comparable gravity" as a crime against humanity when it is committed in a widespread or systematic way. Arrest warrants issued by the Court include several counts of rape as both a war crime and a crime against humanity.

Security Council resolutions relating to sexual violence

The Security Council has adopted seven resolutions to raise awareness of and trigger action against sexual violence in conflict:

(a) In resolution 1325 (2000), the Council called upon Member States to increase the participation of women in the prevention and resolution of conflicts and in the maintenance and promotion of peace and security. It called upon parties involved in armed conflict to abide by international laws that protected the rights of civilian women and girls and to incorporate policies and procedures that protected women from gender-based crimes such as rape and sexual assault;

(b) In resolution 1820 (2008), the Council called for an end to the use of acts of sexual violence against women and girls as a tactic of war and to impunity of perpetrators. It requested the Secretary-General and the United Nations to provide protection to women and girls in United Nations-led security endeavours, including refugee camps, and to invite the participation of women in all aspects of the peace process;

(c) In resolution 1888 (2009), the Council detailed measures to further protect women and children from sexual violence in conflict situations, such as requesting the Secretary-General to appoint a special representative to lead and

coordinate the Organization's work on the issue, to send a team of experts to situations of particular concern and to mandate peacekeepers to protect women and children;

(d) In resolution 1889 (2009), the Council reaffirmed resolution 1325 (2000), condemned continuing sexual violence against women in conflict situations and urged Member States and civil society to consider the need to protect and empower women and girls, including those associated with armed groups, in post-conflict programming;

(e) In resolution 1960 (2010), the Council asked the Secretary-General to list those parties credibly suspected of committing or being responsible for patterns of sexual violence in situations on its agenda. It also called for the establishment of monitoring, analysis and reporting arrangements specific to conflict-related sexual violence;

(f) In resolution 2106 (2013), the Council sought to strengthen the monitoring and prevention of sexual violence in conflict;

(g) In resolution 2122 (2013), the Council reiterated the importance of the involvement of women in conflict prevention, conflict resolution and peacebuilding.